

Message Text

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ORIGIN COA-02

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FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA

INFO AMCONSUL BELEM

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E. O. 11652: N/A

TAGS: EFIS BR

SUBJ: RESPONSE TO GOB NOTES ON SHRIMPBOAT DETENTIONS

REF: BRASILIA 4158

FOLLOWING IS SUGGESTED AS SUBSTANCE FOR REPLY TO SUBJECT
NOTES:

1. EMBASSY ACKNOWLEDGES RECEIPT OF NOTES OF MINISTRY OF
FOREIGN AFFAIRS OF JUNE 15 AND JUNE 16, 1973, WITH COPIES
OF APPREHENSION AND INSPECTION REPORTS ON DETENTIONS OF US
FISHING VESSELS APOLLO XII, GULF STREAM II AND MISS DORIS.
EMBASSY THANKS GOB FOR PROMPTNESS AND THOROUGHNESS
OF THESE REPORTS FURNISHED IN ACCORDANCE WITH ARTICLE 5(3)
OF US-BRAZIL SHRIMP AGREEMENT.

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2. EMBASSY NOTES THAT IN ALL THREE CASES IMMEDIATE REASON FOR DETENTION WAS LACK OF INFORMATION IN POSSESSION OF BRAZILIAN NAVY PATROL FORCES CONCERNING STATUS OF THREE VESSELS IN RELATION TO PROVISIONS OF AGREEMENT. WE REGRET THESE LAPSES IN OUR COMPLIANCE WITH THE AGREED PROCEDURES FOR NOTIFYING GOB CONCERNING US VESSELS INTENDING TO OPERATE IN ACCORDANCE WITH TERMS OF AGREEMENT. WE HAVE TAKEN STEPS TO IMPROVE THE EFFICIENCY OF OUR NOTIFICATION PROCEDURE, BY ISSUING IDENTIFICATION NUMBERS ONLY ON RECEIPT

OF FULL INFORMATION AND POSTPONING EFFECTIVE DATE OF SUCH NUMBERS, AND WE TRUST THAT THERE WILL BE NO RECURRENCE OF SIMILAR LAPSES IN FUTURE. IN ADDITION, WE HAVE COMMUNICATED WITH VESSEL OWNERS IN WRITING AND IN MEETINGS IN ORDER TO REMIND THEM EMPHATICALLY OF THE MEASURES WHICH THEY MUST OBSERVE IN ORDER TO BE IN COMPLIANCE WITH AGREEMENT AND TO ADVISE THEM CONCERNING DESIRABILITY OF CARRYING ADEQUATE IDENTIFICATION DOCUMENTS ABOARD AT ALL TIMES. WE BELIEVE THE OPERATORS HAVE EVERY DESIRE TO ASSURE THE SUCCESSFUL OPERATION OF THE AGREEMENT AND TO COOPERATE FULLY TO FACILITATE ITS ENFORCEMENT BY THE BRAZILIAN NAVY.

3. WITH RESPECT TO DESIRE EXPRESSED IN MINISTRY'S NOTES FOR ALL INFORMATION RELATIVE TO INSTITUTION AND DISPOSITION OF ANY CASE BY UNITED STATES AGAINST CITED FISHING BOAT, AS PROVIDED IN ARTICLE 5(B6) OF AGREEMENT, EMBASSY HAS FOLLOWING OBSERVATIONS TO MAKE. DETENTION OF GULF STREAM II AND MISS DORIS WAS EXCLUSIVELY, AND OF APOLLO XII PRIMARILY, RESULT OF FAILURE TO COMMUNICATE IN TIMELY AND ADEQUATE FASHION INFORMATION CONCERNING VESSELS TO GOB. VESSEL OWNERS HAD COMPLIES WITH ALL USG REQUIREMENTS FOR REGISTERING THEIR VESSELS TO FISH UNDER AGREEMENT AND CANNOT BE REASONABLY HELD AT FAULT FOR THIS COMMUNICATIONS FAILURE. CONSIDERING THIS FACT AND ALSO THAT OWNERS OF GULF STREAM II AND MISS DORIS HAD TO PAY 600 DOLLARS FOR SPECIAL ENFORCEMENT EXPENSES AND LOST SEVERAL TIMES THAT AMOUNT THROUGH LOST FISHING TIME WHILE UNDER DETENTION, EMBASSY DOES NOT BELIEVE USG WILL FIND ANY BASIS FOR PROCEEDING AGAINST THESE VESSELS. APOLLO XII, ACCORDING TO REPORT FURNISHED BY GOB, APPEARS TO HAVE BEEN DELINQUENT IN LIMITED OFFICIAL USE

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AT LEAST TWO MATTERS WHICH WERE WITHIN POWER OF OPERATOR TO CONTROL, I.E. DISPLAY OF AGREED IDENTIFICATION SIGN AND KEEPING OF AGREED FISHING LOGBOOK. THESE VIOLATIONS COULD BE MADE SUBJECT OF PROCEEDINGS AGAINST VESSEL. HOWEVER, WE NOTE THAT OWNER OF APOLLO XII, IN ADDITION TO PAYING 600 DOLLARS FOR SPECIAL ENFORCEMENT EXPENSES, LOST MONTH OF FISHING TIME, LOST LOAD OF SHRIMP TO SPOILAGE, AND PAID 3500 DOLLARS FOR UNREQUESTED TOWING SERVICES. IN OUR

VIEW, TOTAL OF THESE LOSSES WOULD SEEM TO CONSTITUTE ADE-
QUATE PENALTY FOR VESSEL'S INFRACTIONS IN QUESTION AND
SUFFICIENT GUARANTEE TO ENSURE THAT APOLLO XII OPERATOR,
AS WELL AS OTHER OPERATORS, IS SCRUPULOUS IN OBSERVING
PROVISIONS OF SHRIMP AGREEMENT IN FUTURE. RUSH

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